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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIO IBARES-ROQUE,

Defendant.

No. CR 10-00673 JW

STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING HEARING DATE TO [MARCH 14, 2011] AND EXCLUDING TIME FROM FEBRUARY 28, 2011 THROUGH [MARCH 14, 2011]

The Parties, Julio Ibares-Roque and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing date currently set for February 28, 2011 be vacated, and that the hearing be re-set for March 14, 2011 or another date thereafter convenient for the Court. The defense and the government are jointly requesting the continuance of the hearing date due to the undersigned government counsel's unavailability on February 28, 2011.

The parties further stipulate that the time between February 28, 2011 and March 14, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny the government continuity of counsel. Further,

1 the parties note there is currently a defense motion pending. Finally, the parties agree that the
2 ends of justice served by granting the requested continuance outweigh the best interest of the
3 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
4 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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6 DATED: February 16, 2011

MELINDA HAAG
United States Attorney

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8 /s/
9 BRADLEY D. PRICE
Assistant United States Attorney

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11 /s/
12 CYNTHIA C. LIE
Attorney for Defendant

~~Proposed~~ **ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing date in this matter previously set for February 28, 2011 is vacated, and that the matter is set for status conference and hearing on defendant's motion to suppress on [March 24, 2011]. Further, the Court ORDERS that the time between February 28, 2011 and [March 14, 2011] is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny the government continuity of counsel, and further finds the time is excludable based on the pending defense motion. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: February 17, 2011



JAMES WARE
Chief United States District Judge